

# CITY OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

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WESTFIELD-WASHINGTON  
ADVISORY PLAN COMMISSION  
BOARD OF ZONING APPEALS  
ZONING ENFORCEMENT  
BUILDING PERMITS

<b>Meeting Date:</b>	February 12, 2008
<b>Docket Number:</b>	0802-VS-02
<b>Appellant:</b>	Pools of Fun, on behalf of Rich and Amy Henderson
<b>Property Address:</b>	15391 Whistling Lane
<b>Variance of Standard Request:</b>	<i>Ord. 06-49, Exhibit 12</i> 35' Rear Setback in Parcel B of the Bridgewater PUD

### EXHIBITS

- |  |          |
|--|----------|
| 1. Staff Report  | 02/12/08 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 02/12/08 |
| 3. Property Card   | 02/12/08 |
| 4. Bridgewater PUD Ordinance, Exhibit 12                   | 10/09/06 |
| 5. Appellant's Application and Plans                       | 01/14/08 |

### RELATED CASES

None

### VARIANCE OF STANDARD REQUEST

This variance request is to reduce the rear yard setback requirement for an in-ground pool in Parcel B of the Bridgewater PUD. Swimming Pools are required to meet all setbacks (WC 16.04.100, 4, b, iii).

### PROPERTY INFORMATION

The subject property is comprised of one (1) parcel, consisting of approximately 0.57 acre. The property is currently under construction for a single-family residence. The subject property is accessed by Whistling Lane, a private street.

The property is zoned Bridgewater PUD. Abutting property in all directions is also zoned Bridgewater PUD. Adjacent property to the north, east, and west is improved with single-family residential uses. Abutting property to the south is part of the golf course of the Bridgewater Club.

### PROPERTY HISTORY

There are no previous variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

## ANALYSIS

The submitted plans indicate that the proposed in-ground swimming pool would be located to the south of the attached garage and to the west of the patio. The residential structure is currently under construction.

The subject property is within the Bridgewater PUD and is governed by the Bridgewater PUD Ordinance (Ord. 06-49). The PUD Ordinance requires a thirty-five foot (35') rear yard setback. The largest rear yard setback in any of the regular Westfield single-family zoning districts (AG-SF1, SF-1, SF-2, SF-3, SF-4 or SF-5) is thirty feet (30'). The submitted plans to locate the pool 30' from the rear property line are consistent with the standards found in the regular Westfield zoning districts for single-family districts.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain suburban residential in character and use. A detached single-family residence, with an in-ground pool, within a platted subdivision complies with recommendations of the Plan.

## FINDINGS

*No special exception shall be granted unless the BZA finds all of the following to be true:*

**a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

**Findings:** The intent of the setback requirement for swimming pools is to help mitigate any impact of the pool and the use of the pool from neighboring properties. The proposed swimming pool would be located approximately thirty feet (30') from the property line, which is approximately five feet (5') closer than the required thirty-five feet (35') per the Bridgewater PUD Ordinance. The rear property line of the subject property abuts the golf course at the Bridgewater Club. It is unlikely that moving a setback line for a swimming pool closer to a golf course will be injurious to the public health, safety, morals and general welfare of the community.

**b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

**Findings:** It is unlikely that the submitted proposal for the reduction of the rear setback line for the pool would negatively affect the use and value of neighboring properties. The subject property is surrounded by similar uses on the north, east and west. The most directly impacted property to the south is a recreational use, a golf course. The impact of the pool on the golf course is likely to be negligible.

**c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

**Findings:** The combination of the size, configuration, and location of the residential structure coupled with the dimensions and configuration of the proposed swimming pool limit the possible location of the swimming pool on the subject property. The proposed location of the pool encroaches on the established rear yard setback. However, a modification to the configuration of the pool's orientation could accommodate a 16" x 32" in-ground swimming pool on the subject property. Therefore, strict adherence to the PUD Ordinance would allow for the subject pool on the subject property. While the allowable configuration and orientation may be undesirable for the property owner, the ordinance does not preclude or prevent the pool from being located on the subject property within the established setbacks.

**RECOMMENDED MOTION**

Deny this variance request based on the findings of this report.

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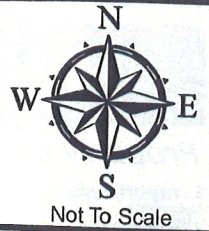
KMT







0802-VS-02  
08-10-17-00-08-013.000  
15391 Whistling Lane  
Exhibit 2

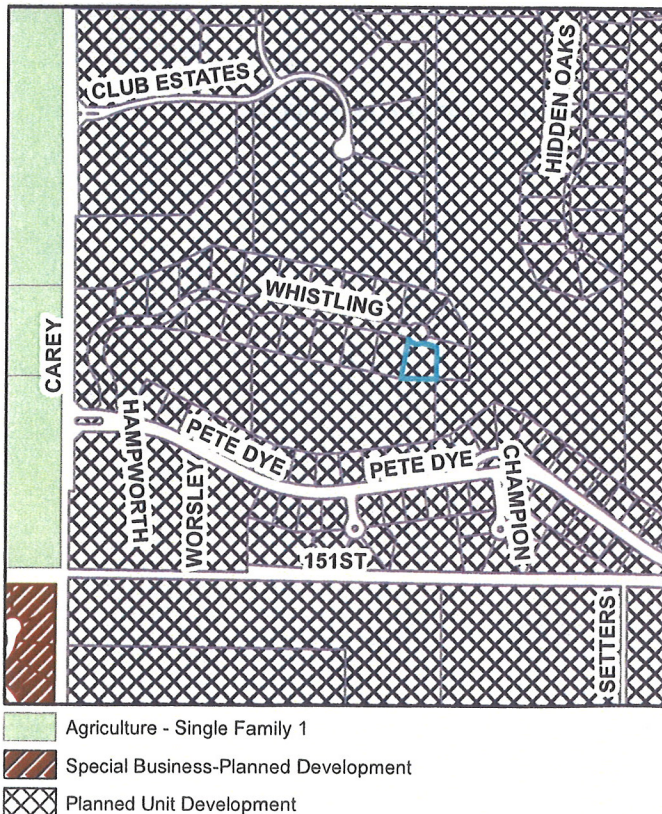


Aerial Location Map

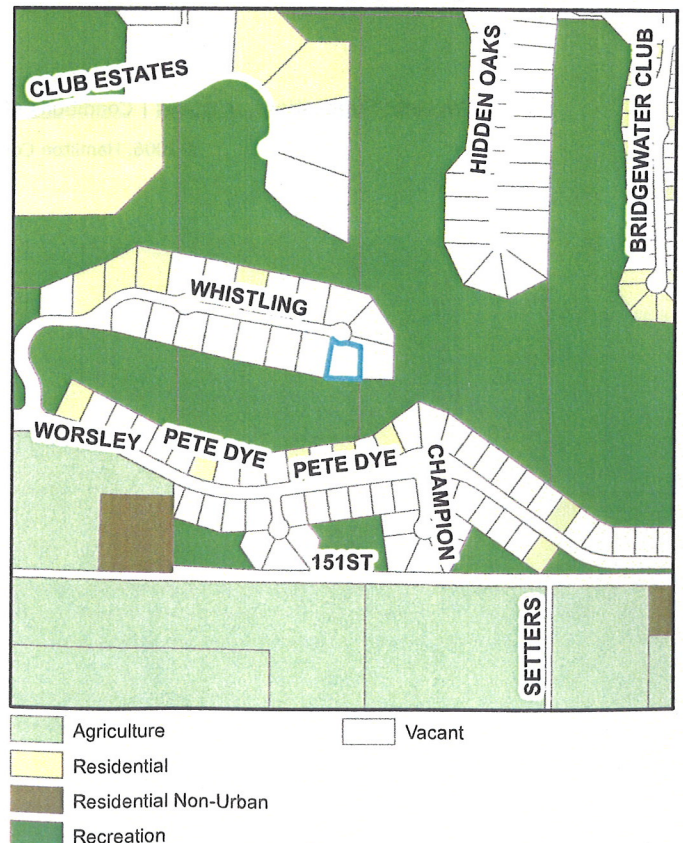
Site



Zoning Map



Existing Land Use Map (2005)





**co.HAMILTON.in.us**

Official government site of Hamilton County, Indiana

Online Services

**Property Card Report****1. report type**

Reset

**2. property search**

new search

**3. view reports**

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

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**Summary Information - Parcel Number: 08-10-17-00-08-013.000****Property Data**

Parcel Location	15391 WHISTLING LN,CARMEL
Taxing Unit	Westfield
Legal Description	BRIDGEWATER CLUB 74.99 X 185.99 IRR
Section/Township/Range	S17 T18 R04
Subdivision Name	BRIDGEWATER CLUB
Lot and Block	Lot B13 Block B
Acres	0.57
Effective Frontage	
Effective Depth	
Property Class	Vacant Lot

**Exterior Features and Out Buildings****Property Owner as of April 30, 2007**

Carefree Enterprise Inc

**Most Recent Valuation as of March 1, 2006**

Assessed Value: Land	274500
Assessed Value: Improvements	0
Total Assessed Value:	274500

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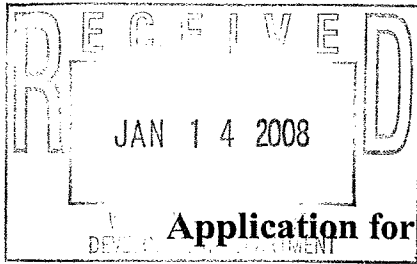
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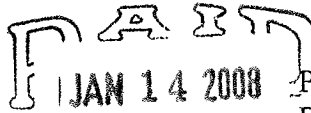
**EXHIBIT 12**  
**Development Standards for Detached Single Family Residential**

	Parcel A	Parcel B	Parcel C	Parcel D	Parcel E	Parcel F	Parcel G	Parcel H
Minimum Lot Width at Building Line at which the building is actually built	200' for all lots	150' for all lots	120' for all lots	100' for all lots	90' for all lots	85' for all lots	65' for all lots	60' for all lots
Minimum Lot Frontage on Street <sup>1</sup>	40'	40'	30'	30'	30'	25'	20'	20'
Minimum Lot Area	30,000 SF	20,000 SF	15,000 SF	12,500 SF	10,000 SF	10,000 SF	7,750 SF	7,500 SF
Minimum Front Yard Setback <sup>2</sup>	30'	30'	25'	25'	25'	25'	20'	20'
Minimum Separation Between Buildings	30'	30'	20'	20'	20'	15'	10'	10'
Minimum Side Yard Setback <sup>3</sup>	10'	10'	8'	8'	8'	7'	4'	4'
Minimum Rear Yard Setback <sup>4</sup>	35'	35'	30'	30'	25'	25'	10'	10'





TOWN OF WESTFIELD, INDIANA



Petition Number:

0802-VS-02

Date of Filing:

01/14/08

BY: creek 7669 (KMK)

Application for

## VARIANCE OF DEVELOPMENT STANDARD

Westfield – Washington Township

Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Pools of Fun  
 Address 3891 Clarks Creek Road  
Plainfield IN 46168  
 Telephone Number 317 839 3311  
 E-Mail Address mmikels@pools-offun.com

2. Landowner's Name Rich + Amy Henderson  
 Address 15391 Whistling Lane  
Carmel IN 46033  
 Telephone Number 317 727-2198

3. \*Representative Marge Mikels / Rick Kendall - Pools of Fun  
 \*Address 3891 Clarks Creek Road  
Plainfield IN 46168  
 \*Telephone Number 317 714 3495 - 281-7710  
 \*Email Address mmikels@pools-offun.com  
RKendall@pools-offun.com

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
Lot 13 in "The Bridgewater Club" Addition  
Washington Twp. Known as 15391 Whistling Lane, Carmel  
IN 46033

5. Legal description of property (list below or attach)  
Lot Number 13 in the Bridgewater Club - Section B-2  
addition in Hamilton County, IN # 200300-48108

6. Complete description of the nature of the development standard variance applied for:  
Setbacks - rear from 35' 30' for installation of an  
in-ground swimming pool

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Marge Mikels  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 14th DAY OF January, 2008.

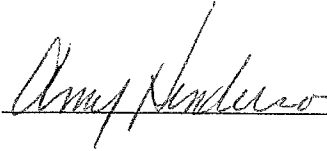
Patricia J. Leuten  
Notary Public

My commission expires: 3/13/08

Consent to file for Variance of Standards  
City of Westfield

Property: 15391 Whistling Lane – Lot #13 Carmel IN. 46033  
Owners: Rich & Amy Henderson

We give our consent for Pools of Fun and their representatives to file for a variance of setbacks (from 35; to 30') to allow for the installation of an in-ground swimming pool at our residence.

  
\_\_\_\_\_

Date 1-14-08







LOT# 13  
 24,663.4 S.F.

00.0	PROPOSED GRADE PER PLAN
---	GROUND WATER FLOW
---	SANITARY SEWER LINE
---	STORM SEWER LINE
---	WATER LINE
---	EASEMENT LINE
---	BUILDING SETBACK LINE

THIS PLOT PLAN WAS PREPARED BASED ON INFORMATION TAKEN FROM RECORD PLATS, SUBDIVISION PLANS, RECORD DRAWINGS AND PLANS PROVIDED BY CLIENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE S E A GROUP LLC OF ANY DISCREPANCIES.

LOCATION OF UTILITY LATERALS ON PLOT PLAN ARE GENERAL LOCATIONS PER PLAN AND SHOULD BE VERIFIED IN THE FIELD.

**MINIMUM SETBACKS**

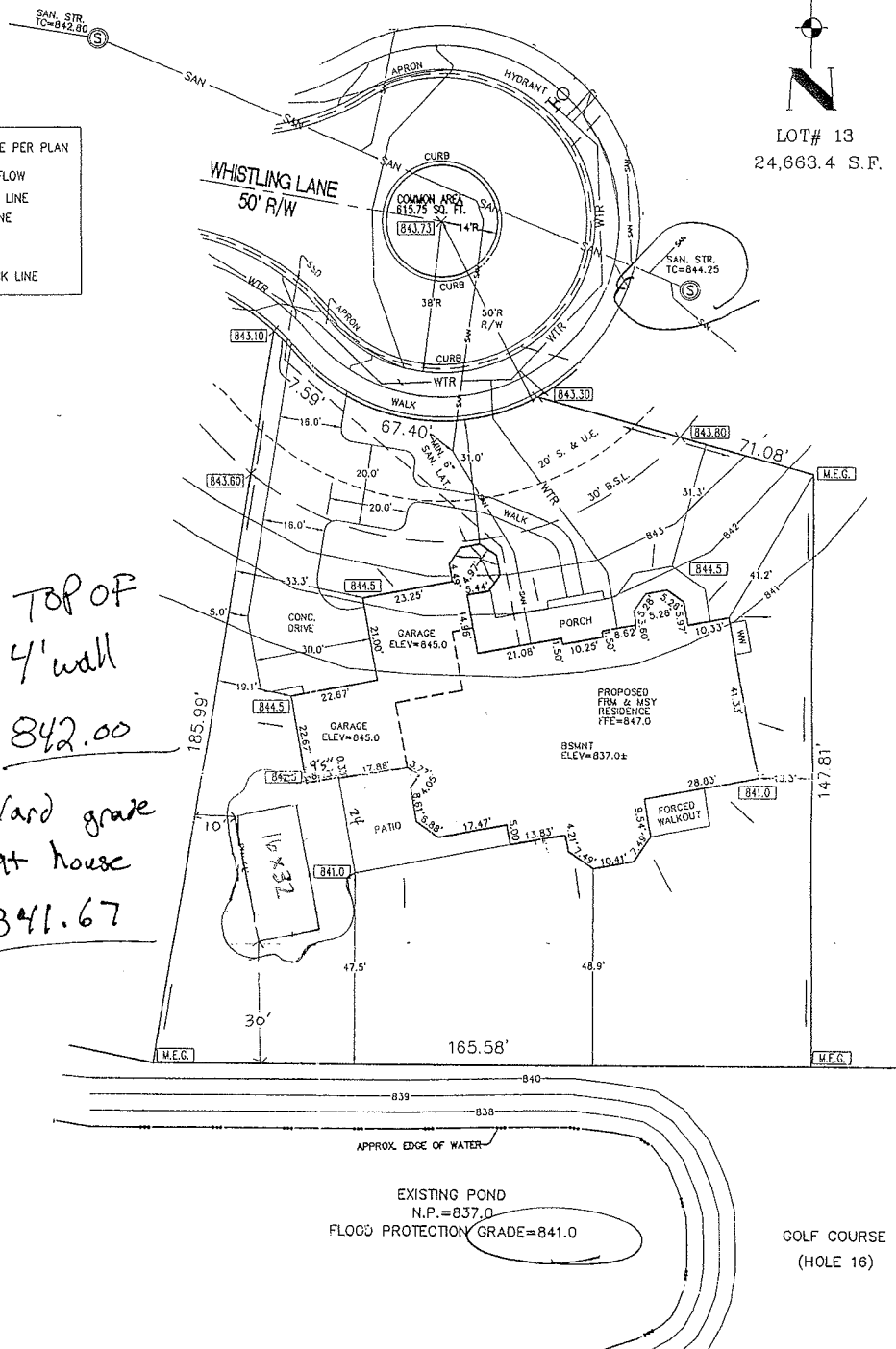
MIN. SIDE YARD = 10 Feet  
 MIN. REAR YARD = 35 Feet  
 Avg. = 20 Feet

NOTE:  
 BUILDER TO ENSURE POSITIVE FLOW AWAY FROM STRUCTURE.

NOTE:  
 SUMP TO BE PLACED BY BUILDER AS NEEDED.

TOP OF  
 4' wall  
 842.00

Yard grade  
 at house  
 841.67



**Property Description:**

Lot Number 13 in The Bridgewater Club, Section B-2, an Addition in Hamilton County, Indiana, as per plat thereof recorded as Instrument Number 20030048108 found in the Office of the Recorder of Hamilton County, Indiana.



*Brian Rismiller*

**PLOT PLAN**

Prepared For:  
 Jones Building Group

Scale: 1"=30'


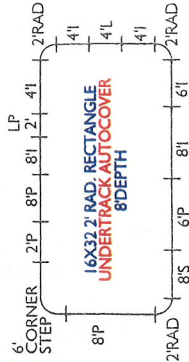

Drawn by: DJR

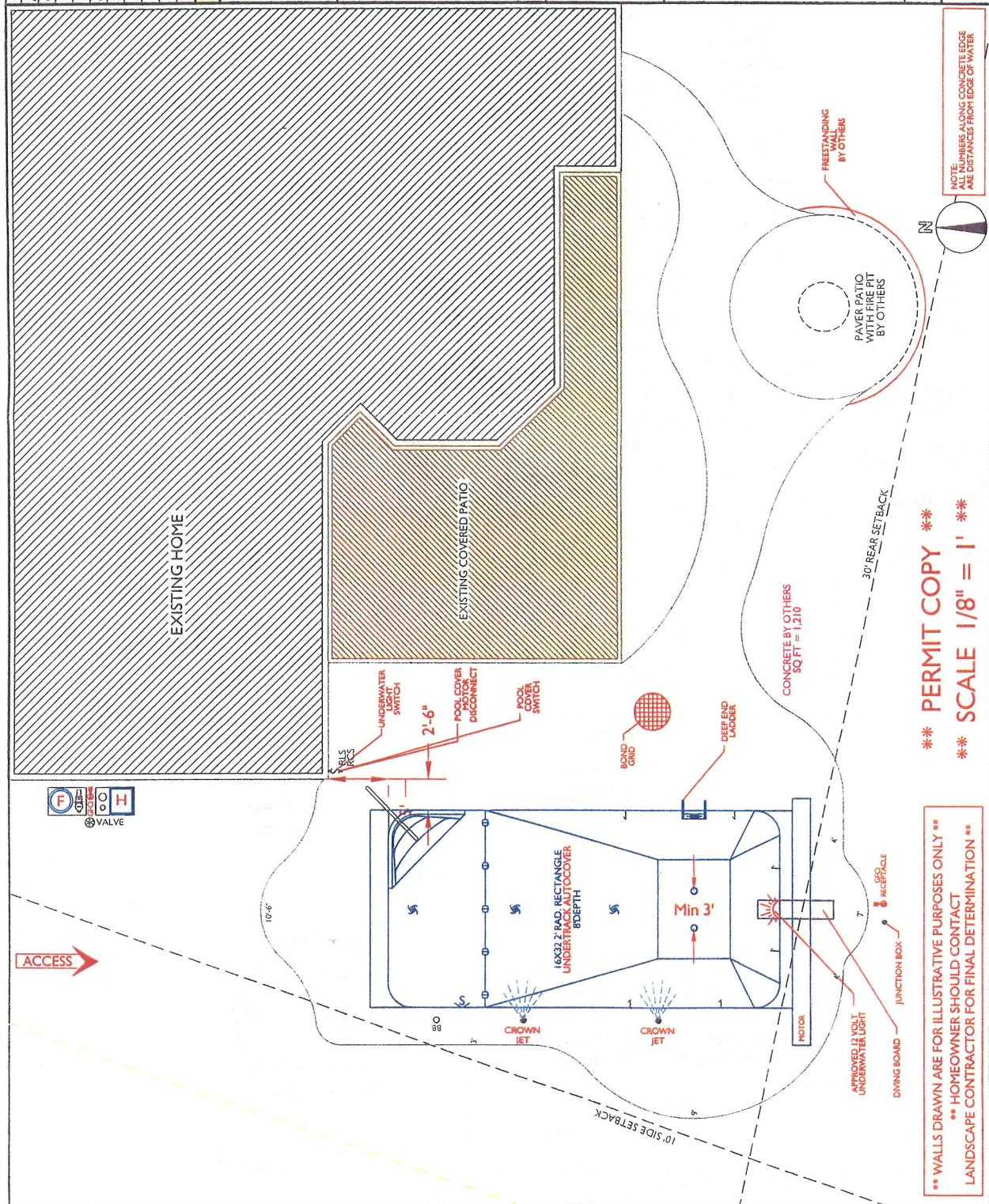
Residence

Date: July 11, 2007

Revised:

15391 Whistling Lane

NAME	RICH & AMY HENDERSON										
ADDRESS	15391 WHISTLING LANE										
CITY	CARMEL IN 46033										
PHONE	317-727-2198										
LOT #	13	ADDITION	THE BRIDGEWATER CLUB								
COUNTY	HAMILTON	TOWNSHIP	WASHINGTON								
P.O. #	.	DATE	11/15/07	SCALE	1/8"=1'	SM	RK	25			
PROJECT MANAGER	*****		CONC SQ'		0	DIM					
POOL MFG	ALPHA 3	HYDRANT									
WATER	A		B	C	DIRT	STAYS					
2P PVC	A		AUTOCOVER		UNDERTRACK						
SPECIAL NOTES											
IOC = TBD											
PIE/H = NEXT TO GARAGE											
RLS/RCS = TBD											
MAP											
											
MISCELLANEOUS NOTES											
1. CLEAR 03											
2. CONCRETE DECK BY HOME BUILDER - POF TO BACKFILL OVERDIG ONLY											
3.											
4.											
PANEL LAYOUT											
											
HO	S		PM								
 Pools of fun Paul Smith - Design Department											





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